

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

METLAKATLA INDIAN COMMUNITY,

Plaintiff,

v.

MICHAEL J. DUNLEAVY, *et al.*,

Defendants.

Case No. 5:20-cv-00008-SLG

TRIAL SCHEDULING ORDER

A scheduling conference was held in this matter on June 25, 2024. This order memorializes the parties' agreements and the Court's orders from that hearing.

TRIAL. Subject to any unavoidable conflicts in the Court's calendar, a bench trial in this case is scheduled to commence on **February 10, 2025**, and is expected to take approximately **5** days. Unless otherwise ordered, trial will commence at **8:30 a.m.** each day and will adjourn for the day at approximately **4:30 p.m.**

A telephonic final pretrial conference is scheduled for **January 28, 2025**, at **2:30 p.m.** See Local Civil Rule 39.1. All parties shall participate telephonically by dialing 571-353-2301 (Call ID 020262828, Pin 487051) approximately five minutes before the scheduled hearing time.

The trial will be held at the Robert Boochever United States Courthouse at 709 West 9th Street, Juneau, Alaska.

MOTIONS *IN LIMINE*. On or before **December 30, 2024**, each party shall file motions *in limine* on any anticipated significant evidentiary issues. **Please note:** no replies shall be filed to motions *in limine* unless specifically requested by the Court.

WITNESS LISTS. On or before **January 21, 2025**, each party will file and serve a trial witness list which shall include only persons who have been previously disclosed as potential witnesses in a timely filed prior witness list. This trial witness list will disclose only those witnesses whom the party will in fact call at trial. Only those witnesses so listed will be permitted to testify at trial. Witnesses will be listed in the order in which it is expected they will be called. As to each witness so listed (even though the witness may have been deposed), the party will disclose the testimony expected to be elicited from that witness at trial. The disclosure will be specific and not general, the purpose being to avoid surprise and delay at trial and to give the opposing party an adequate basis for developing cross-examination. Expert witnesses will be identified as such and as to their area(s) of expertise, and an updated statement of each expert's qualifications will be appended to the witness list.

DEPOSITION DESIGNATIONS. On or before **January 21, 2025**, witnesses whose depositions will be offered in lieu of live testimony will be identified. In lieu of a statement of testimony which a party expects to elicit from such witnesses, the party will file and serve deposition designations that specify the precise pages and

lines from the deposition which are proposed to be offered. Objections to such testimony, as well as any desired counter-designation of deposition testimony, will be filed and served on or before **January 27, 2025**. Objections to counter-designations will be filed and served on or before **January 30, 2025**.

Depositions which are to be used for any purpose at trial will be lodged with the Clerk's office in Juneau at the time for the filing of exhibits, and the same will be ordered published as a matter of course, when and if such depositions are offered. See Local Civil Rules 32.1 and 39.9(b).

EXHIBITS. On or before **January 27, 2025**, the parties shall exchange Trial Exhibits and Trial Exhibit Lists, and confer regarding stipulations, in accordance with Local Civil Rule 39.3(b)(1).

On or before **February 3, 2025**, each party shall file and serve its Trial Exhibit List identifying by number or letter those exhibits marked for admission and those marked for identification, and briefly describing each exhibit. Each party's Trial Exhibit List shall identify stipulations as to authenticity and admissibility in accordance with Local Civil Rule 39.3(b)(2).

At the time each party files and serves its Trial Exhibit List and each deposition it anticipates using at trial, it shall also deliver a copy of each to the Clerk's office in Juneau for the Court's use, in accordance with Local Civil Rule 39.3(b)(3).

TRIAL BRIEFS. Each party will file and serve a trial brief on or before **January 21, 2025**, in accordance with Local Civil Rule 39.2.

SETTLEMENT CONFERENCE. A settlement conference may be conducted before another judge prior to trial, if there is a judge available, upon written request of the parties filed with the Court.

PRIOR STIPULATIONS/ORDERS. To the extent that stipulations of the parties and/or earlier orders of the Court require additional or more detailed filings or additional procedures, those earlier stipulations and/or orders will remain in effect. However, to the extent any such prior stipulation or order conflicts herewith, this order will control.

FILING DATES. The parties will prepare, serve or exchange, and file or lodge with the Court on or before the dates above specified all the documents above specified. These dates will not be subject to change by stipulation of the parties and may be changed only by order of the Court for good cause shown. See Rule 16(f), Federal Rules of Civil Procedure.

No later than July 9, 2024, the parties shall file a proposed schedule of amended deadlines for the completion of all outstanding discovery in this matter.

DATED this 25th day of June, 2024, at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE